IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2006 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SULEMAN PIRBHAI

Versus

B.M.P. TEXTILES

Appearance on Record:

MR MUKESH R SHAH for Petitioner.

MR PS OZA for Respondent.

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 19/02/2002

ORAL JUDGEMENT

This matter was twice called out and yet neither the petitioner's learned advocate nor the learned advocate for the respondent is present.

2. The petitioner has filed this petition under Article 227 of the Constitution of India making a prayer for quashing and setting aside the order dated 3-8-1989 passed by the Labour Court in BIR (T) No. 131/79 and

order dated 1-2-1991 in Appeal No. 75 of 1989 by the Industrial Court, Ahmedabad. The petitioner has also made the prayer for remand of the matter for its disposal in accordance with law.

3. Since both the Courts below have taken the concurrent view, this Court does not exercise its discretion by interfering with the concurrent finding arrived at by them. The fact that the petitioner had not remained present, through his advocate though the matter was twice called out, shows that the petitioner was not seriously interested in pursuing the matter. In any view of the matter, since this Court has not found any infirmity in the orders passed by the authorities below, the petition is rejected with no order as to costs. Rule is discharged.

[K.A. Puj, J.]

rmr.